

Charter Commission

CITY AND COUNTY OF HONOLULU

Honolulu Hale • 530 South King Street • Honolulu, Hawaii 96813



MAY 16, 2016
STYLE COMMITTEE
COUNCIL COMMITTEE MEETING ROOM
HONOLULU HALE

MINUTES

Style Committee Members Present:

Donna Ikeda, Chair
Paul T. Oshiro, Vice Chair
Guy Fujimura
Nathan T. Okubo

Style Committee Member(s) Absent/Excused:

R. Brian Tsujimura

Style Committee Non-Voting Member(s) Present:

Kevin Mulligan

Others Present:

Dawn Spurlin, Deputy Corporation Counsel
Linda Luli Nakasone Oamilda, Executive Administrator, Honolulu Charter Commission
Mary James, Research Analyst, Honolulu Charter Commission
Norma Reyes, Secretary, Honolulu Charter Commission

Testifiers:

Chuck Totto, Executive Director, Ethics Commission

I. CALL TO ORDER

Roll Call: Guy Fujimura, Kevin Mulligan, Donna Ikeda, Paul Oshiro, Nathan Okubo,

With a quorum present, Chair Ikeda called the meeting to order at 2:02 p.m.

II. DISCUSSION AND ACTION

Deliberation and decision-making on Proposals No. 39, 54, 120, C-1 and C-2.

Proposal 54

There was no testimony.

Commissioner Okubo suggested a number of non-substantive corrections.

Commissioner Oshiro moved to approve Proposal 54 as amended. Commissioner Okubo seconded the motion. There was no discussion. Upon hearing no objections, the motion passed.

Proposal 120

There was no testimony.

Chair Ikeda asked if anyone suggested any amendments. She noted that, even though there appeared to be additions to Section 6-1503, the section showed no evidence of new language as there was no underlined text. She added that the last section under paragraph 1 (1), (2), and (3) appears to be new and therefore the language should all be underlined.

Commissioner Oshiro noted that Sections 6-803 and 6-1403 are duplicative of the same sections in Proposal 54. Discussion on this proposal was deferred to the end of the calendar.

Proposal C-1

There was no testimony on Proposal C-1.

Commissioner Okubo noted that the permitted interaction group (P.I.G.) recommended and the Commission agreed that the Chief could be removed or suspended by the Police Commission for any reason, which may include but would not be limited to the reasons listed in the proposal. Commissioner Mulligan added the correction recommended by Commissioner Tsujimura regarding section d), by deleting “for the sole purpose of”. Commissioner Fujimura noted that there are two different procedures, removal and

suspension, which can occur simultaneously or independently. “At will” doesn’t need a reason, but a procedure is needed for the public to know the reason, more for transparency rather than justification for any action taken. For removal, a reason is not needed, and charges or cause are not needed under an “at will” provision. Multiple incidents could cause a breach of confidence. Commissioner Fujimura said he did not want to diminish the authority under the “at will” provision. The P.I.G. discussion about suspension was more difficult because it required a cause to suspend and he felt that both should be included in the proposal.

Chair Ikeda compared the two versions and suggested an amendment for the group to consider. Commissioner Okubo offered a further amendment so that language is not repeated within the proposal. Commissioner Okubo clarified that section 1 will address the timing of removal and section 2 will address the reasons for such action, which will include any reason along with examples of criteria. Commissioner Mulligan suggested amendments to section (d) regarding the Chief’s actions for suspension or removal.

Commissioner Okubo moved to approve the proposal as amended. Commissioner Oshiro seconded the motion. Hearing no objections, the motion passed.

Proposal C-2

Commissioner Okubo inquired about the intent of the Commission in giving the Police Commission subpoena power. Commissioner Mulligan felt that the intent was to give the Police Commission the power to do so, and have more authority to investigate and compel witnesses. Commissioner Okubo agreed with the intent and suggested that the section be separated into 2 sections for clarity so they have the power but not a mandate. Commissioners discussed the placement of the language and its effect on the entire process.

Commissioner Okubo moved to adopt Proposal C-2 as amended. Commissioner Oshiro seconded the motion. Hearing no objections, the motion passed.

Proposal 39

Chuck Totto, Executive Director, Honolulu Ethics Commission, testified in support of the amended version and suggested language to make the last underscored line clearer.

Commissioner Mulligan offered a minor typographical correction.

Commissioner Oshiro moved to adopt Proposal 39 as amended. Commissioner Fujimura seconded the motion. Hearing no objections, the motion passed.

Proposals 54 and 120

Chair Ikeda noted that the problem with Proposals 54 and 120 was the duplicative language and suggested that in the interest of time and to allow the Committee members to review the P.I.G. report, the two proposals be considered at the next meeting.

III. ANNOUNCEMENTS

There were no announcements.

IV. ADJOURNMENT

With no further business, Chair Ikeda adjourned the meeting at 2:48 p.m.